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October 5, 1972

DEPARTMENT OF LAW LETTER OPINION NO. 72-38-L (R-74)

REQUESTED BY: THE HONORABLE W. P. SHOFSTALL
Superintendent of Public Instruction

QUESTION: Does the conclusion of Department of Law
Letter Opinion No. 67-26-L still apply in
response to the question: "Are private and pa-
rochial schools exempted from the provisions
of the 1966 Child Day Care Act?"

ANSWER: No.

We note that Opinion No. 67-26-L was written in 1967,
while A.R.S. § 36-884 was amended in 1969. A.R.S. § 36-884,
as amended, in pertinent part states:

The provisions of this chapter shall not
apply to the care given to children by or in:

* * *

4. A regularly organized private or parochial
school engaged in an educational program which may
be attended in substitution for public school pur-
suant to § 15-321.

It is therefore our opinion that, when the requirements
of A.R.S. § 36-884.4 are met, private and parochial schools
are exempt from the act. The present forms of the Department
of Health are in compliance with the present statutes.

Therefore, Opinion No. 67-26-L is void to the extent
that it conflicts with this opinion.

Respectfully submitted,

Gary K. Nelson
by F.S.

GARY K. NELSON
The Attorney General

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